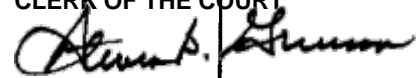


# **EXHIBIT 3**

Anti-SLAPP Order

*Wengui Guo v. Shuiyan Cheng*

Case No. A-18-779172-C (8th Jud. Dist., Clark Cty., NV)

**ORDR**

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Shuiyan Cheng

**EIGHTH JUDICIAL DISTRICT COURT****CLARK COUNTY, NEVADA****WENGUI GUO a/k/a MILES KWOK,**

Plaintiff,

vs.

**SHUIYAN CHENG a/k/a HUIYAN CHANG;  
FANG YONG a/k/a MA KE,**

Defendants.

Case No. A-18-779172-C

Dept. 32

**ORDER****ORDER GRANTING DEFENDANT SHUIYAN CHENG'S  
ANTI-SLAPP SPECIAL MOTION TO DISMISS UNDER NRS 41.660**

This matter, having come before the Court on Defendant Shuiyan Cheng's Anti-SLAPP Special Motion to Dismiss Under NRS 41.660, and it appearing, upon argument of counsel and for good cause shown, the motion is granted:

NRS 41.635 et seq., Nevada's Anti-SLAPP statute, creates a procedure for early dismissal of cases which are targeted at speech and conduct that fall under

1 specified categories and that lack minimal merit. The statute creates a two-step  
2 analysis. First, the moving party must prove by a preponderance of the evidence  
3 that the plaintiff's causes of action are based upon statements that fall into at  
4 least one category set out in NRS 41.637 and that are made in good faith,  
5 meaning they are truthful or were made without knowledge of falsity. If the  
6 moving party makes such a showing, the burden then shifts to the plaintiff to make  
7 a prima facie showing that it has a probability of prevailing on its claims.

8 The Court finds Defendant Cheng satisfied his burden under the first prong  
9 of this analysis. His statements on which Plaintiff's claims are based are all  
10 protected under NRS 41.637(4). Mr. Cheng also showed by a preponderance of  
11 the evidence that he made his statements without knowledge they were false.

12 The Court also finds Plaintiff failed to make a prima facie showing that he  
13 has a probability of prevailing on his claims. Plaintiff is a public figure, being  
14 heavily reported on, with multiple news sources in the record referring to him and  
15 controversies surrounding him.

16 As a public figure, Plaintiff must prove by clear and convincing evidence  
17 that Defendant's statements were made with actual malice, that is with knowing  
18 falsity or a reckless disregard for the truth. *New York Times Co. v. Sullivan*, 376 U.S.  
19 254 (1964).

20 Mr. Cheng's statements were consistent with statements about Plaintiff in  
21 well-respected publications such as, *inter alia*, Deutsche Welle, The New York  
22 Times, and Forbes. Mr. Cheng demonstrated numerous publications in the  
23 mainstream press, from multiple countries, were the sources of his basis for the  
24 statements he made. Mr. Cheng had no reason to doubt the veracity of those  
25 sources, and Mr. Cheng provided uncontroverted evidence that he did not know  
26 the statements to be false. His reliance upon mainstream media for his  
27

1 information makes a finding of recklessness under applicable standards  
2 impossible.

3 These statements are thus protected under the First Amendment.

4 Accordingly, IT IS HEREBY ORDERED that Defendant Shuiyan Cheng's Anti-  
5 SLAPP Special Motion to Dismiss Under NRS 41.660 is hereby GRANTED.

6 IT IS FURTHER ORDERED that all of Plaintiff Wengui Guo's claims are hereby  
7 dismissed with prejudice.

8 IT IS FURTHER ORDERED that, as the prevailing party on a special motion to  
9 dismiss he filed, Mr. Cheng is entitled to recover his costs and reasonable  
10 attorneys' fees under NRS 41.670(1)(a), and may receive an award of up to  
11 \$10,000 in damages under NRS 41.670(1)(b). Mr. Cheng may file a motion for fees,  
12 costs, and damages no later than 21 days following notice of entry of this Order.

13  
14 DATED this 30 day of January, 2020.

15  
16  
17 

18 DISTRICT COURT JUDGE

RCB BARE  
JUDGE, DISTRICT COURT, DEPARTMENT 32

19 Submitted by:

20  
21 /s/Marc J. Randazza

Marc J. Randazza (NV Bar No. 12265)

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